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IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA

FILED

JUN 16 2005

IN THIS OFFICE
CLERK U S DISTRICT COURT
GREENSBORO, NC
BY...................
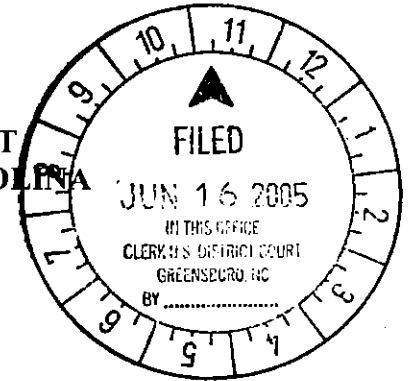
James Rodney Cole, Jr.,   )
)
            Plaintiff,   ).
)
      v.   )   **1:05CV00546**
)
Officer J P. Lowdermilk, et al..   )
)
            Defendant(s).   )

ORDER OF DISMISSAL WITHOUT PREJUDICE
TO PLAINTIFF FILING A NEW COMPLAINT

Plaintiff, a prisoner of the State of North Carolina, has submitted a civil rights action

pursuant to 42 U.S.C. § 1983. The form of the complaint is such that serious flaws make it

impossible to further process this complaint. The problems are:

1.   Filing fee was not received nor was a proper affidavit to proceed in forma
        pauperis submitted, with sufficient information completed or signed by the
        plaintiff, to permit review. [Attached forms, instructions.] The clerk of court
        will enclose a current version of the affidavit forms which provides space for
        all the necessary information.

2.   Plaintiff has failed to provide a sufficient number of copies. Plaintiff must
        submit the original, one copy for the court, and one copy for each defendant
        named.

Consequently, this particular complaint will be dismissed, but without prejudice to

plaintiff filing a new complaint, on the proper Section 1983 forms, which corrects the defects

of the present complaint. To further aid plaintiff, the Clerk is instructed to send plaintiff new

Section 1983 forms, instructions, an application to proceed in forma pauperis, and a copy of

pertinent parts of Fed. R. Civ. P. 8 (i.e. Sections (a) & (e)).

In forma pauperis status is granted for the sole purpose of entering this order of dismissal with permission to file a new complaint which corrects the defects of the present complaint.

IT IS THEREFORE ORDERED that in forma pauperis status is granted for the sole purpose of entering this order.

IT IS FURTHER ORDERED that this action be filed and dismissed sua sponte without prejudice to plaintiff filing a new complaint, on the proper Section 1983 forms, which corrects the defects cited above. The Clerk is instructed to send plaintiff Section 1983 forms, instructions, an application to proceed in forma pauperis, and a copy of pertinent parts of Fed. R. Civ. P. 8 (i.e. Sections (a) & (e)).

/s/ P. Trevor Sharp
United States Magistrate Judge

Date: June 16, 2005